



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

January 10, 2005
RESUBMITTED: February 7, 2005

Memorandum to the Director:

SUBJECT: Captive Wild Animals

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to regulate the possession of game and protected animals.

Discussion and Background

The attached amendments to the Captive Wild Animal Order are proposed to eliminate references to deer, elk and moose in acknowledgement of the Privately Owned Cervidae Producers Marketing Act and to eliminate the section which previously dealt with sale of wild animals to breeders. Due to disease concerns, the Department has not allowed these sales for several years.

Recommendation:

This order was submitted for information only at the February 3, 2005 meeting of the Natural Resources Commission. This item appeared in the January 24, 2005 Calendar and is eligible for approval on March 10, 2005. We are recommending that it be acted upon at this meeting.

William Moritz, Chief
Wildlife Division

Alan Marble, Chief
Law Enforcement Division

Mindy S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

THE CAPTIVE WILD ANIMAL ORDER

Amendment No. 1 of 2005

Under the authority of section 42710, Act 451 of the Public Acts of 1994, as amended, being section 324.42710 of the Michigan Compiled Laws, the Director of the Department of Natural Resources ordered that effective March 11, 2005, the following regulations shall read as follows:

20.1 Short title.

Sec. 20.1. This order shall be known and may be cited as "the captive wild animal order."

20.4 Permit requirement exemptions.

Sec. 20.4. (1) A person purchasing and removing the following live animals from a licensed premises may possess the animals without a permit provided the person does not propagate or sell the animals and provided the animals are properly identified as prescribed by section 20.9:

- (a) Pheasants if they are 12 or fewer in number.
- (b) Quail if they are 12 or fewer in number.
- (c) Hungarian partridge if they are 12 or fewer in number.

(2) A permit to hold wildlife in captivity is not required for a person to possess pheasants, bobwhite quail, or Hungarian partridge legally acquired for the purpose of release to the wild or personal consumption, provided that a game bird release permit is obtained before, or at the same time as, the birds or their eggs are acquired, and the birds and their eggs are disposed of within 6 months of the date upon which the game bird release permit was issued.

(3) A permit to hold wildlife in captivity is not required for a person to possess game birds of the number and species authorized for release on a field dog trial permit issued by the department of natural resources.

(4) A permit to hold wildlife in captivity is not required for a person to possess game birds of the number and species authorized by a game bird hunting preserve license issued by the department of natural resources.

(5) A permit to hold wildlife in captivity is not required for a person receiving animals or eggs which are being shipped directly out of the state of Michigan.

(6) A permit to hold wildlife in captivity is not required for a person to possess raptors of the number and species authorized by a falconry permit issued by the department of natural resources and the United States fish and wildlife service.

(7) A permit to hold wildlife in captivity is not required for a person to possess cervidae species as defined by the privately owned cervidae producers marketing act, 2000 PA 190, being MCL 287.951 to 287.969.

20.6 Enclosure size and amenities, requirements.

Sec. 20.6. The minimum enclosure size and required amenities for the species designated in this section shall be as follows, except that newborn mammals may remain with their parents until weaned:

Enclosure size; badger, bobcat, fox, and raccoon.

(1) Badger, bobcat, fox, or raccoon:

- (a) Single animal: 8 feet long by 6 feet wide by 6 feet high.
- (b) For each additional animal, increase horizontal cage size by 24 square feet.
- (c) Clawing logs and a den site 2 feet by 2 feet by 2 feet high required for each animal.

(d) A climbing tree with 3 or more 4-inch diameter branches shall be available for each raccoon or bobcat. A 14-inch by 36-inch protected shelf area shall be provided for each animal. Bobcat or raccoon platforms shall be at least 3 feet above the floor; fox and badger platforms shall be 1 foot above the floor.

Enclosure size; coyote.

(2) Coyote:

- (a) Single animal: 10 feet by 8 feet by 6 feet high.
- (b) For each additional animal, increase horizontal cage size by 40 square feet.
- (c) A den site 4 feet by 4 feet by 4 feet high shall be provided for each animal.

Enclosure size; beaver and otter.

(3) Beaver or otter:

- (a) Single animal: 10 feet by 8 feet by 6 feet high, with a pool 4 feet by 6 feet by 3 feet deep at one end.
- (b) Increase horizontal cage size by 40 square feet and pool size by 10 square feet for each additional animal.
- (c) Otter must have a variety of climbing surfaces, a slide, and a dry place for sleeping and retreat.
- (d) Beaver must be supplied with gnawing logs and a nest box or retreat 3 feet by 3 feet by 3 feet high.

Enclosure size; muskrat and mink.

(4) Muskrat or mink:

- (a) Single animal: 8 feet by 4 feet by 4 feet high, with a pool 2 feet by 4 feet by 2 feet deep at one end.
- (b) Increase horizontal cage size by 16 square feet and pool size by 4 square feet for each additional animal.
- (c) Muskrats require gnawing material and a den site 2 feet by 2 feet by 2 feet high.
- (d) Mink require a tree for climbing, an elevated shelf for loafing, and a den site 2 feet by 2 feet by 2 feet high.

Enclosure size; squirrels.

(5) Squirrels:

- (a) Single animal: 4 feet by 4 feet by 8 feet high.
- (b) Increase cage size by 1 foot in width and depth for each additional animal held.
- (c) One nest box 1 foot by 1 foot by 2 feet high, elevated 5 feet off the ground, shall be provided for each animal.
- (d) A central climbing tree with at least 3-inch branches shall be available.

Enclosure size; skunks and woodchuck.

(6) Skunks or woodchuck:

- (a) Single animal: 8 feet by 4 feet by 4 feet high, with a denning box 2 feet by 2 feet by 2 feet high.
- (b) Increase horizontal cage size by 16 square feet for each additional animal.
- (c) Several logs at least 2 feet long and 6 inches in diameter for clawing and/or gnawing.

Enclosure size; black bear.

(7) Black bear:

- (a) A single animal shall be confined to a cage no smaller than 25 feet by 12 feet by 8 feet high.

- (b) Each cage for a single bear must be provided with a pool 4 feet by 6 feet by 3 feet deep.
- (c) For each additional bear, increase cage floor space and pool surface area by 50 percent.
- (d) Each bear shall be provided with a den site 4 feet by 4 feet by 6 feet high.
- (e) Several logs at least 5 feet long by 10 inches in diameter for clawing shall be provided.

Enclosure size; pheasants, bobwhite quail, and Hungarian partridge.

(8) Pheasants, bobwhite quail, or Hungarian partridge, when older than 14 weeks, shall be kept in an enclosure no smaller than 100 square feet, subject to the following conditions:

- (a) Pheasants without specs require a minimum of 25 square feet per bird.
- (b) Pheasants with specs require a minimum of 15 square feet per bird.
- (c) Bobwhite quail require a minimum of 1 square foot per bird.
- (d) Hungarian partridge require a minimum of 8 square feet per bird.
- (e) Bobwhite quail and Hungarian partridge may be held in smaller breeder pens during the breeding season.
- (f) In order to reduce direct confrontation and interaction between birds, cover shall be provided in enclosures which hold pheasants and Hungarian partridge. Cover may be provided by growing vegetation, brush piles, old Christmas trees, corn shocks, bales of hay or straw, or other cover forms placed into or grown within each pen.

Enclosure size; ducks.

(9) Ducks:

- (a) Not more than 2 pairs, or 1 pair and their offspring of the year, shall be held together in a minimum area of 100 square feet.
- (b) A minimum of 10 square feet of water, 1 foot or greater in depth, shall also be available.
- (c) Each additional adult duck requires at least 20 square feet of additional land space and 5 square feet of water surface.

Enclosure size; geese and swans.

(10) Geese or swans:

- (a) Not more than 2 pairs, or 1 pair and their offspring of the year, shall be confined to an area smaller than 500 square feet.
- (b) A minimum of 50 square feet of water, 1 foot or greater in depth, shall also be available.
- (c) Each additional goose or swan requires at least 100 square feet of land and 25 square feet of water surface.

Enclosure size; wild turkeys.

(11) Wild turkeys:

- (a) One to 5 birds require a minimum of 150 square feet of horizontal space.
- (b) Each additional bird requires an additional 15 square feet of floor space.

Pen and amenity requirements, separate from human dwellings.

(12) The pens and amenities required by this section shall be separate from any human dwelling.

Application requirement.

(13) A person shall not submit an application for a permit to hold wildlife in captivity unless the person has provided the minimum enclosure sizes and required amenities as stipulated in this section.

Inspections.

(14) A conservation officer or other representative of the department of natural resources may inspect the premises, pens, animals, records, and facilities of a permittee at any reasonable time.

20.7 Acquisition and disposition of animals.

Sec. 20.7. (1) Animals possessed under a permit to hold wildlife in captivity shall have been acquired in a lawful manner. As evidence thereof, the receipted invoice, bill of lading, shipping tag from another permittee, or other satisfactory evidence shall be presented for inspection upon request by an authorized officer.

(2) When animals have been presented to a municipal park or zoo by the department, the animals or offspring of the original animals may be disposed of by the municipal park or zoo only as specified in subsections (3) and (4). Live animals being transferred from a municipal park or zoo to a private owner must be accompanied by a bill of sale.

(3) A person with a permit to hold wildlife in captivity may transfer, give, or sell live animals, or game bird eggs, only to a person who has a permit to hold wildlife in captivity specifically listing the species being acquired, or to a person exempt from the permit requirements by section 20.4.

(4) A person who desires to obtain live wild animals shall present to the person transferring, giving, or selling the animals proof in the form of a permit or facsimile of having the necessary license or permit as required by subsection (3). If proof is not presented, the person possessing the animals shall not allow the animals to leave the licensed premises.

20.10 Shipping tags for carcasses, pelts, and hides, or portions thereof.

Sec. 20.10. A shipping tag shall be attached securely to each field-dressed animal, or to each package, wrapper, bag, or carton containing the carcass or portion thereof of any small game animal or fur-bearing animal, or each animal pelt, and each animal hide produced by a permittee.

20.12 Repealed; Am. 1, 2005, Eff. Mar. 4, 2005.

Issued this 11th day of March, 2005.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca Humphries
Director